

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:22-CV-00104-FDW**

BRIAN BURTON,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

ORDER

THIS MATTER is before the Court by Stipulation of the parties, for an award of attorney's fees, expenses, and costs to Plaintiff, Brian Burton, pursuant to the Equal Access to Justice Act ("**EAJA**"). (Doc. No. 23).

IT IS THEREFORE ORDERED that Plaintiff, Brian Burton, is awarded attorney's fees in the amount of Five Thousand Eight Hundred Dollars and 00/100 Cents (\$5,800.00), and Four Hundred Two Dollars and 00/100 Cents (\$402.00) in costs.¹ Full or partial remittance of the EAJA award will be contingent upon a determination by the Government that Plaintiff owes no qualifying, pre-existing debt(s) to the Government.

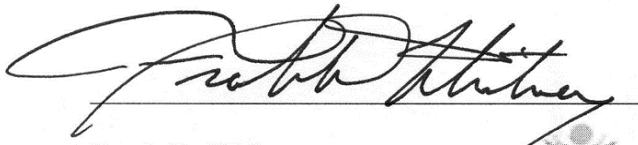
If Plaintiff has no outstanding federal debt, the Commissioner may honor any EAJA assignment that Plaintiff may provide and make the check(s) payable to Plaintiff's counsel. However, if Plaintiff has an outstanding federal debt, the Commissioner will make the check(s) payable to Plaintiff directly and deliver the check(s) to the business address of Plaintiff's counsel. The amount of EAJA award payable to Plaintiff will be the balance of EAJA award remaining

¹ Costs are paid from the Judgment Fund by the Department of the Treasury, if so ordered by the Court under 31 U.S.C. § 1304. See 28 U.S.C. § 2412(c)(1).

after subtracting the amount of Plaintiff's outstanding federal debt. This award will be paid directly to Plaintiff, Brian Burton, and sent to the business address of Plaintiff's counsel. If Plaintiff's outstanding federal debt exceeds the amount of the EAJA award approved pursuant to the Order, the amount of the EAJA award will be used to offset Plaintiff's federal debt and no EAJA award shall be paid.

IT IS SO ORDERED.

Signed: May 30, 2023


Frank D. Whitney
United States District Judge

